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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Aviation West Charters LLC,

No. CV-15-01614-PHX-PGR

10 Plaintiff,

**ORDER**

11 v.

12 Star Marketing and Administration  
13 Incorporated, et al.,

14 Defendants.

15 This action was originally filed in Maricopa County Court and removed to this  
16 Court based on diversity jurisdiction. Because there is a question regarding whether there  
17 is complete diversity between the parties and thus whether this Court has diversity  
18 jurisdiction over this matter, the Court will vacate the upcoming scheduling conference  
19 and require the Plaintiff to show cause why the allegedly improperly joined Defendant  
20 should not be dismissed.

21 In the Notice of Removal, Defendants admitted that there would not be complete  
22 diversity if Defendant Trustmark Services Company is considered because both  
23 Defendant Trustmark and Plaintiff are citizens of Delaware. Defendants contend,  
24 however, that Trustmark has been improperly joined to defeat diversity jurisdiction.  
(Doc. 1 at 3-4.) Defendants' contention appears to be supported by the allegations of the  
25 complaint, which do not include claims against Trustmark (Doc. 1-1 at 4-9.).

26 Although Plaintiff indicates its belief that "there is complete diversity of  
27 citizenship between the parties" (Doc. 10 at 3), Plaintiff does not provide any explanation

1 as to how there can be complete diversity if both Plaintiff and Defendant Trustmark are  
2 citizens of Delaware. Further, Plaintiff does not explain why Trustmark has been joined  
3 in the matter as a defendant or contest Defendants' position that Trustmark has been  
4 improperly joined.

5 The Court must, before proceeding in this matter, determine whether it has  
6 jurisdiction to do so. Accordingly, the Court will require Plaintiff to show cause why  
7 Defendant Trustmark Services Company should not be dismissed as improperly joined.

8 IT IS ORDERED that that the Scheduling Conference, set for November 5, 2015,  
9 is vacated.

10 IT IS FURTHER ORDERED that Plaintiff shall file, no later than November 13,  
11 2015, a brief showing cause as to why Defendant Trustmark Services Company should  
12 not be dismissed from this action as improperly joined.

13 IT IS FURTHER ORDERED that Defendants may file, no later than  
14 November 30, 2015, a response to Plaintiff's show-cause brief.

15 Dated this 28th day of October, 2015.



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19 Paul G. Rosenblatt  
20 United States District Judge  
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